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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 SANTO TOMAS, LLC,) Case No. CV 15-5666-AB(PJWx)
11)
12 Plaintiff,) [PROPOSED] ORDER SUMMARILY REMANDING
13 v.) IMPROPERLY REMOVED ACTION TO LOS
14 DAMONS LEWIS ROBERSON,) ANGELES COUNTY SUPERIOR COURT
15 Defendant.)
16)

17 Before the Court is an unlawful detainer action that Defendant
18 Damon Lewis Roberson removed from the Los Angeles County Superior
19 Court. For the following reasons, the case is summarily remanded back
20 to that court.

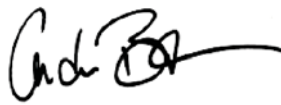
21 On April 29, 2015, Plaintiff Santo Tomas, LLC filed an unlawful
22 detainer action in the Los Angeles County Superior Court in Santa
23 Monica, claiming that Defendant Roberson owed \$2,550 in past-due rent.
24 On July 27, 2015, Defendant removed the action to this court, arguing
25 that there was federal question jurisdiction because the resolution of
26 the action turns on questions of federal law under the Protecting
27 Tenants at Foreclosure Act of 2009.
28

1 Generally speaking, federal district courts lack subject matter
2 jurisdiction over unlawful detainer actions like this one because they
3 are grounded in state, not federal, law and do not become federal
4 cases when a defendant raises a federal question as an affirmative
5 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60
6 (2009) ("Federal jurisdiction cannot be predicated on an actual or
7 anticipated defense. . .[or] rest upon an actual or anticipated
8 counterclaim.") (internal citations omitted). Further, it is clear
9 from the face of the Complaint that there is no diversity jurisdiction
10 under 28 U.S.C. § 1332 because, even if Defendant could establish
11 diversity, the amount in controversy is less than \$10,000. As a
12 result, Defendant's removal of the action was improper and the case
13 will be remanded to the Superior Court for further proceedings. See
14 28 U.S.C. § 1441(a); see also *Gaus v. Miles, Inc.*, 980 F.2d 564, 567
15 (9th Cir. 1992).

16 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.
17 § 1447(c), this case is REMANDED to the Los Angeles County Superior
18 Court, 1725 Main Street, Santa Monica, CA; (2) the clerk shall send a
19 certified copy of this Order to the state court; and (3) the clerk
20 shall serve copies of the Order on the parties.

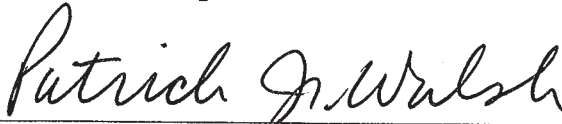
21 IT IS SO ORDERED.

22 DATED: August 7, 2015



ANDRE BIROTTE, JR.
UNITED STATES DISTRICT JUDGE

23
24 Presented by:

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26 _____
27 PATRICK J. WALSH
28 UNITED STATES MAGISTRATE JUDGE